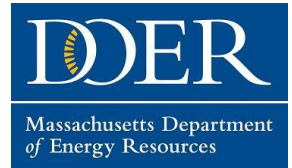




FY 2011 GREEN COMMUNITIES DESIGNATION AND GRANT PROGRAM GUIDANCE



PROGRAM GUIDELINES

INTRODUCTION

The following guidance describes the Green Communities Designation and Grant Program process (pursuant to M.G.L. Ch. 25A §10). Qualifying as a Green Community allows a community to apply for grants to finance all or a portion of the cost of studying, designing, constructing and implementing energy efficiency activities, including but not limited to energy efficiency measures and projects; procurement of energy management services; installation of energy management systems; adoption of demand side reduction initiatives, and the adoption of energy efficiency policies. These funds can also be used to finance siting and construction of renewable and alternative energy projects on municipally owned land.

To qualify as a Green Community, an applicant (municipality) must meet five specific criteria as outlined in this document and in the toolkit available on the Green Communities website at: <http://tiny.cc/GreenCToolkit>. Information regarding the five criteria is also included as part of the designation form.

INSTRUCTIONS

The Green Communities Grant Program is divided into three parts:

- Planning Assistance (Optional)
- Designation (including an optional preliminary consultation process)
- Grant Application

Planning Assistance (Optional)

The Green Communities Division (the "Division") provides planning assistance for eligible cities and towns to aid them to meet the five criteria to become a "Green Community." This planning assistance will be provided through consultants selected by the Division. In Fiscal Year 2010, approximately 105 municipalities participated in the Planning Assistance Program. A second round of planning assistance is being offered on a first come first serve basis. You can find detailed information and the program application at: <http://tiny.cc/GreenCToolkit> and on www.comm-pass.com, PON-ENE-2010-038. **PLEASE NOTE THAT PLANNING ASSISTANCE IS NOT A REQUIREMENT TO BECOME A GREEN COMMUNITY.**

Deadline for FY 2011 Planning Assistance: October 1, 2010 at 5:00 PM

To Apply: Application packages are available through the Massachusetts Department of Energy Resources Green Communities website at <http://tiny.cc/GreenCToolkit> and on www.comm-pass.com, PON-ENE-038. The

Division reserves the right to limit the number of awardees and awards will be determined on a first come first serve basis.

Designation Form (Required)

To be considered for grant funding, the applicant must first be designated as a Green Community. To receive official designation as a Green Community, the applicant must complete the attached "Designation Form" and submit it to the Division. The applicant will be notified whether it qualifies as a Green Community once the designation form has been reviewed.

Preliminary Consultation (Optional): For those municipalities or local governmental entities that wish to have their designation criteria reviewed prior to formally submitting a Designation Form to the Division, they may request a preliminary consultation. In order to receive a preliminary consultation you must submit an electronic request via email to Cliff Sullivan at cliff.sullivan@state.ma.us. Preliminary consultation requests may be submitted between August 20, 2010 and October 15, 2010 and will be reviewed in the order in which they are received. Requests after October 15, 2010 will not be accepted. Please note that a preliminary consultation does not represent designation approval.

Deadline for Designation

The designation process is a rolling process. Eligible local governmental bodies may apply for designation at any time. However, in order for a local governmental body to be eligible to submit a grant application, it must submit a designation form prior to the grant application deadline. To be eligible for the Fall FY 2011 program, the city or town must submit a designation application by:

Deadline: Friday, November 19, 2010 by 5:00pm to be eligible to participate in Fall FY 2011 grant program.

To apply: Designation forms are available on the Division website at:
<http://tiny.cc/GreenCToolkit> and at www.comm-pass.com, PON-ENE-2010-039.

Designation forms must be submitted as (1) unbound hard copy (including attachments) and as a compact disc copy to the following address:

Department of Energy Resources
Green Communities Division
100 Cambridge Street, 10th Floor
Boston, MA 02114
ATTN: Cliff Sullivan

Grant Application (Required for funding)

Once designated, the Green Community is eligible to apply for grant funds through the Green Communities Grant Program. Designated Green Communities must fill out a grant application and submit it by the deadline. Amount of awards will be based on available funds, the number of applicants and a predetermined grant allocation formula.

FALL FY 2011 DESIGNATION AND GRANT APPLICATION TIMELINE

DATE	EVENT
Friday – September 3, 2010	Begin accepting planning assistance applications and designation applications
Friday – August 20, 2010 through Friday, October 15, 2010	Accepting requests for designation application preliminary consultations
Friday – October 1, 2010	Deadline for planning assistance applications
Friday – November 19, 2010	Deadline for designation applications
Friday – December 17, 2010	Begin accepting grant applications
Friday, January 21, 2011	Deadline for grant applications



Guidelines for Qualifying as a Green Community

REQUIREMENTS TO QUALIFY AS A GREEN COMMUNITY

As outlined in MGL c. 25A §10(c), a municipality or other local government body must do all of the following:

NOTE: Municipalities may submit an application together to qualify as a regional Green Community. Each municipality in a regional application must meet each of the requirements with one exception: the 20% reduction from the energy baseline can be applied in the aggregate across all of the municipalities.

CRITERION 1: AS-OF-RIGHT SITING – RENEWABLE / ALTERNATIVE ENERGY

1. A Green Community must provide zoning for the as-of-right siting of
 - renewable or alternative energy generating facilities,
OR
 - renewable or alternative energy research and development (R&D) facilities,
OR
 - renewable or alternative energy manufacturing facilities in designated locations.
- “As-of-Right Siting” is defined as siting that provides for the allowed use and does not unreasonably regulate, or require a special permit.
- An applicant can meet this requirement by providing as-of-right siting for any one of the three types of facilities described.
- If a community has as-of-right siting in place for R&D and/or manufacturing facilities in general, this can meet this requirement. But, the community must demonstrate that the zoning by-law applies to renewable and alternative energy R&D or manufacturing.
- Communities can select the specific locations for the as-of-right siting, i.e. where these facilities are to be located, but these locations must be feasible and practical. For example, locations for wind are required to have adequate wind resources (6m/s at 70 meters) and biomass CHP locations are required to have a sufficient thermal load.
- If providing as-of-right siting for generation, the community must select technology that is practically available and provides a realistic opportunity for generation. It is expected that a community will appropriately utilize its available renewable resources, and this will be taken into consideration in the review of an application meeting this requirement.

- As-of-right zoning by-laws can apply appropriate standards that protect public health and safety and provide for non-discretionary site plan review. Reasonable environmental performance standards per the developed by-law may be incorporated into the Site Plan Review (SPR) process (e.g. height, setback, etc...), but cannot be so stringent as to make the use infeasible. The thrust of this aspect of the policy is that SPR be truly non-discretionary. In other words, if the standards and zoning requirements are met, the project can be built. This is distinct from the Special Permit (SP), in that the SP may be denied if the Planning Board or other permit granting authority is not satisfied with the project.
- An applicant can meet this requirement with as-of-right siting for renewable or alternative energy generation with any **one** of the following project requirements:
 - On-shore Wind – a turbine of a minimum 600 kW in size or above
 - Off-shore Wind – a turbine of a minimum 2.5 MW or above
 - Solar Photovoltaic – a single ground-mounted system of a minimum of 250 kW or above
 - Biomass CHP - a minimum of 5MW in a stand-alone building
 - Ocean, wave or tidal – no minimum threshold
- If providing as-of-right siting for R&D or Manufacturing facilities, a municipality's zoning must specify as an allowed use construction of one of the following facilities:
 - **Research and Development Facilities** are those used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.
 - **Manufacturing Facilities** are those used primarily for heavy or light industry or the manufacture or assembly of a product including processing, blending, fabrication, assembly, treatment and packaging.
- Additionally, in order to qualify, the as-of-right zoning for R&D or manufacturing must clearly allow renewable or alternative energy activities defined as follows:

Renewable Energy:

- Solar - photovoltaic (PV) and thermal
- Wind
- Biomass power conversion or thermal technologies, including R&D related to, or the manufacture of, wood pellets
- Ultra low emissions high efficiency wood pellet boilers and furnaces
- Low Impact Hydro - electric and kinetic
- Ocean thermal, wave or tidal
- Geothermal
- Landfill Gas
- Fuels Cells that use Renewable Energy
- Advanced biofuels

Alternative Energy:

- Combined Heat and Power

- Electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations

Documentation Required to Meet Criterion #1

For RE/AE Generation Facilities

The following documentation must be provided as evidence that the municipality has met this criterion.

- Brief description of by-law
- Identification of designated locations
- Copy of bylaw or ordinance
- Site Plan Review language so that DOER can confirm that review is non-discretionary
- Copy of zoning map that shows area zoned

For RE/AE R&D and Manufacturing Facilities –

The following documentation must be provided as evidence that the municipality has met this criterion:

- Applicable section of its zoning bylaw/ordinance
- Copy of zoning map that shows area zoned
- Important zoning definitions
- Relevant section of the use table and any key that will help DOER interpret the use table
- Any related local regulations applicable to facilities sited under the bylaw/ordinance—such as site plan review regulations—so that DOER can confirm that the related local regulations are non-discretionary; AND
- Yield calculations, either included in the text of the letter or attached.

In addition to the above, for those applicants that meet the criterion for R&D and/or Manufacturing through *existing* bylaws or ordinances, applicants must provide a letter from municipal counsel certifying that the existing zoning complies with the RE/AE Facilities criteria. In terms of specific contents, the letter must cite and summarize the pertinent section of the zoning ordinance/bylaw.

NOTE: When grant awards are made to those applicants who have qualified as a Green Community, consideration will be given to those who have met the as-of-right siting requirement through renewable and alternative energy generation.

IMPORTANT LINKS:

- Model As-of-Right Wind Bylaw
<http://www.mass.gov/Eoeea/docs/doer/gca/gc-model-wind-bylaw-mar-10-2009.pdf>
- Model As-of-Right Large Scale Solar PV Bylaw
http://www.mass.gov/Eoeea/docs/doer/gca/Solar_Model_Bylaw%20FINAL%20Sept%2009.doc
- Guidance for As-of-Right RD or Manufacturing Bylaw
<http://www.mass.gov/Eoeea/docs/doer/gca/RD%20or%20manuf%20AOR%20guidance-11-12-09.pdf>

CRITERION 2: EXPEDITED PERMITTING

2. A Green Community must adopt an expedited application and permitting process under which these energy facilities may be sited within the municipality and which shall not exceed one (1) year from the date of initial application to the date of final approval.

- The expedited application and permitting process applies only to the proposed facilities which are subject to the as-of-right siting provision.
- An applicant can meet this requirement by applying the expedited permitting process of MGL c 43D to these zoning districts.

Documentation Required to Meet Criterion #2

The following documentation must be provided as evidence that an expedited application and permitting process has been fully adopted for the as-of-right zoned parcels.

Local Expedited Permitting Process

- Municipalities must provide DOER a letter from legal counsel affirming that nothing within the municipality's rules and regulations precludes issuance of a permitting decision within one year along with the language addressing approval procedures and associated timing from any applicable bylaws/ordinances or regulations.
- The applicant should also include a copy of the applicable map(s) showing that the areas where the expedited permitting applies coincides with the as-of-right zoned areas for Criteria 1.

MGL c43D

- Municipalities must provide DOER with a certified copy of their City Council or Town Meeting vote designating the as-of-right zoned parcel(s) as a Priority Development Site ("PDS")
- The applicant should also include a copy of the applicable map(s) showing the areas where the expedited permitting applies.

IMPORTANT LINKS:

Guidance on Expedited Permitting:

<http://www.mass.gov/Eoeea/docs/doer/gca/gc-guidance-criteria2.pdf>

CRITERION 3: ENERGY BASELINE / 20% ENERGY REDUCTION PLAN

3. A Green Community must establish an energy use baseline inventory for municipal buildings, vehicles, street and traffic lighting prior to submitting a designation form, and put in place a comprehensive program designed to reduce this baseline by 20 percent within 5 years of the baseline year.

- The 20% reduction goal should be applied in the aggregate across building, street lights and vehicles on an MMBTU (million British Thermal Units) basis.
- To receive credit for energy efficiency measures that have been recently implemented, applicants can establish a baseline no earlier than FY 2008, with a reduction plan commencing the following year.
- For applications consisting of more than one community, each community must complete an inventory and all of the individual inventories together will serve as the total baseline for the regional application. The comprehensive program to reduce the baseline by 20% will then be applied across all communities.
- Perform the inventory using one of these acceptable tools:
 - DOER's MassEnergyInsight tool (www.massenergyinsight.net)
 - EnergyStar Portfolio Manager
 - ICLEI software
 - Other tools proposed by the community and deemed acceptable by DOER

Documentation Required to Meet Criterion #3

A copy of the Energy Reduction Plan for reducing energy consumption by 20% in 5 years across all municipally owned and operated buildings, vehicles, street lights and traffic lights must be provided. At a minimum, the Plan must include the following information:

- Identification of the inventory tool used
- Identification of the baseline year used
- Documentation of the results of inventory
- Specific energy conservation measures to be implemented, the reductions to be achieved, and a timeline with milestones to implement measures and achieve required energy reductions
- Documentation that both the general government and local school district have adopted the energy reduction plan. If a regional school district is included as part of the designation, documentation that the regional school district has adopted the plan must be included.

Public School Districts

For a municipality to meet this requirement its public school district (not including regional school districts) must include its baseline in the municipalities baseline and adopt the energy reduction plan

Regional School Districts

For regional school districts that wish to be part of a municipality's Green Communities designation (with approval by the municipality), the regional school district must establish an energy use baseline and assign the appropriate percentage of that baseline to the municipality (based on the funding assessment percentage that municipality contributes annually to the regional school district). The regional school district must also adopt the energy reduction plan associated with the baseline that is established.

IMPORTANT LINKS:

Guidance on developing an Energy Reduction Plan

<http://www.mass.gov/Eoeea/docs/doer/gca/GUIDANCE%20FOR%20GREEN%20COMMUNITIES%20CRITERIA%20THREE%20FINAL.pdf>

CRITERION 4: PURCHASE ONLY FUEL-EFFICIENT VEHICLES

4. A Green Community must purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.
- To meet this criterion, an applicant must provide a vehicle inventory for non-exempt vehicles and a plan for replacing these vehicles with vehicles that meet the fuel efficiency ratings below. These fuel efficiency ratings are set to ensure that at least 5 or more automatic transmission models of mass production are available for sale in Massachusetts. Based on 2009 and 2008 EPA data, vehicles are to have a combined city and highway MPG no less than the following:
 - 2 wheel drive car: 29 MPG
 - 4 wheel drive car: 24 MPG
 - 2 wheel drive small pick-up truck: 20 MPG
 - 4 wheel drive small pick-up truck: 18 MPG
 - 2 wheel drive standard pick-up truck: 17 MPG
 - 4 wheel drive standard pick-up truck: 16 MPG
 - Recycling of vehicles is only allowed if the replacement vehicle meets the fuel efficiency ratings prescribed above. Please be advised that recycled Ford Crown Victoria vehicles do not meet the MPG rating and therefore would not meet the fuel efficient vehicle requirement.
 - Heavy-duty vehicles such as fire-trucks, ambulances, and public works trucks are exempt from this criterion. Heavy-duty vehicles are defined as those vehicles that have a gross vehicle weight rating of 8,500 pounds or more.
 - Police cruisers are exempt from this criterion. However, municipalities must commit to purchasing fuel efficient cruisers when they become commercially available. Police department administrative vehicles must meet the fuel efficient ratings above. Questions regarding emergency vehicles should be directed to the Green Communities Division.
 - If an applicant does not have a vehicle fleet other than heavy-duty vehicles and/or police cruisers, it must propose alternative means for meeting this requirement. For example, put in place policies and procedures that promote reduced fuel usage for the municipality; carpooling incentives for municipal employees; preferred parking for employees with hybrid vehicles; bike racks at municipal buildings and incentives for employees to bike to work

Documentation Required to Meet Criterion #4

The following documentation must be provided as evidence that the community has met this criterion:

- Copy of the policy or other mechanism adopted for purchasing only fuel efficient vehicles
- Inventory of non-exempt vehicles (model, year, estimated mpg) with plans for replacements with fuel efficient vehicles
- Documentation that both the municipality and the local school district have adopted the fuel efficient vehicle policy. If a regional school district is included as part of the designation, documentation that the regional school district has adopted the fuel efficient vehicle policy must be included.

Public School Districts

For a municipality to meet this requirement its public school district (not including regional school districts) must adopt a fuel efficient vehicle policy.

Regional School Districts

For regional school districts that wish to be part of a municipality's Green Communities designation (with approval by the municipality), the regional school district must adopt a fuel efficient vehicle policy for all nonexempt vehicles.

IMPORTANT LINKS

Guidance and Model Policy for Purchasing only Fuel Efficient Vehicles

<http://www.mass.gov/Eoeea/docs/doer/gca/GUIDANCE%20FOR%20GC%204%20-%20Vehicles%20SEPT%2009.doc>

CRITERION 5: MINIMIZE LIFE-CYCLE COSTS

5. A Green Community must require all new residential construction over 3,000 square feet and all new commercial and industrial real estate construction to minimize, to the extent feasible, the life-cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technologies.

The recommended way for cities and towns to meet this requirement is by adopting the BBRs Stretch Code (780 CMR 120.AA), an appendix to the MA State Building Code. Should a community chose to not adopt the Stretch Code and choose to use another standard, the community must provide evidence that this alternative standard minimizes the life cycle energy costs for all new construction and is enforceable by the community.

In a town, the Stretch Code must be adopted as a general bylaw by its Town Meeting. In a city, the Stretch Code must be adopted by the City Council. It is advised in cities that the City Council adopt the Stretch Code by general ordinance.

Documentation Required to Meet Criterion #5

The following documentation must be provided as evidence to verify that the municipality has met this criterion:

Stretch Energy Code

The municipality must provide documentation of the city council or town meeting vote adopting 780 CMR 120.AA, MA Board of Building Regulations and Standards (BBRS) Stretch Energy Code.

Local Process

The municipality must provide documentation of the standard adopted, the mechanism in place for requiring this criterion for new construction and documentation of how this standard provides reduced life-cycle energy costs.

NOTE: If a Municipality plans to meet this criterion through a local process, they are encouraged to submit a description of how it plans to do so with supporting documentation in advance of applying for designation. In this manner, the Green Communities can provide feedback on the acceptability of the identified process for meeting this criteria.

IMPORTANT LINKS

- STRECH CODE
http://www.mass.gov/?pageID=eopsmodulechunk&L=3&L0=Home&L1=Public+Safety+Agencies&L2=Massachusetts+Department+of+Public+Safety&sid=Eeops&b=terminalcontent&f=dps_bbrs_build_code_changes_public_hearing&csid=Eeops
 - SUMMARY TABLE OF STRETCH CODE
<http://www.mass.gov/Eoeaa/docs/doer/gca/Stretch%20codes%20summary%20table%20072809.pdf>
 - STRETCH CODE ADOPTION PROCESS FOR TOWNS
http://www.mass.gov/Eoeaa/docs/doer/green_communities/grant_program/GUIDANCE%20FOR%20GREEN%20COMMUNITIES%20CRITERIA%20FIVE%20ADOPTION.doc
-